

South Gippsland Landcare Network

Presenters:

Troy McDonald, Chairman GunaiKurnai Land and waters Aboriginal Corporation

Jamie Williamson, Lead Consultant, Dawaray Business Services

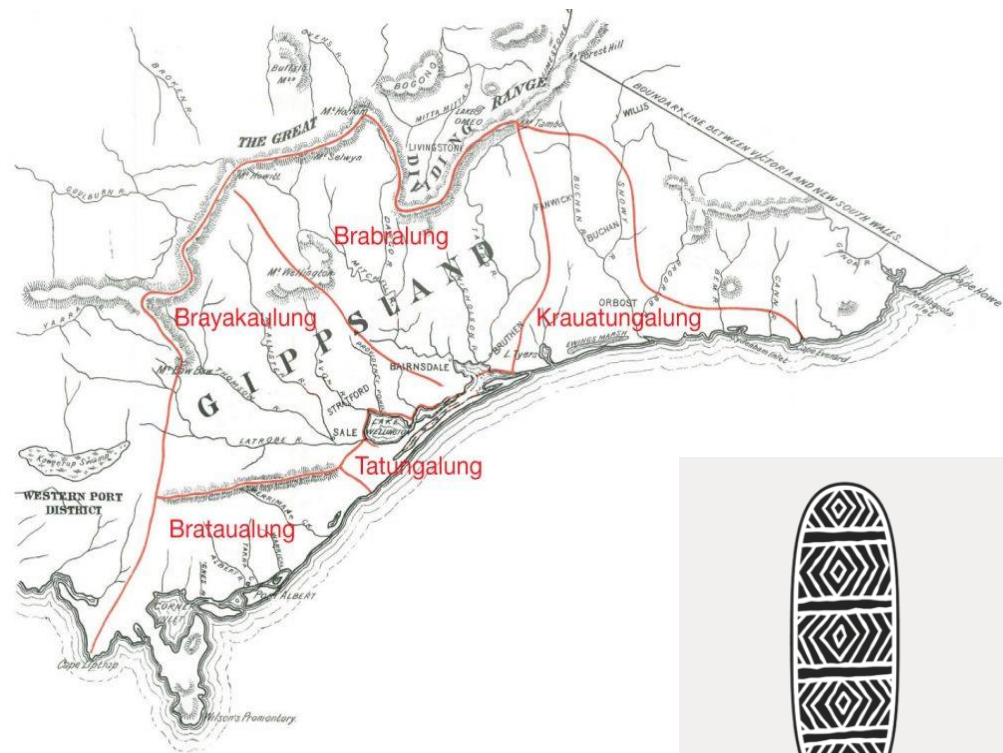


Scope / Agenda

- Acknowledgement, introductions and housekeeping
- The history of GunaiKurnai, the role of Traditional Owners and Native Title
- The Voice, its history and development
- Q&A



The history of Gunaikurnai, the role of Traditional Owners and Native Title



Gunaikurnai people are the Traditional Owners of much of Gippsland. There are approximately 3,000 Gunaikurnai people, and our territory includes the coastal and inland areas to the southern slopes of the Victorian Alps. Gunaikurnai people are made up of five major clans.

This map shows the Traditional areas of the five Gunaikurnai clans as approximated by A.W. Howitt in the 1880's.



Brataualung people in South Gippsland. From Cape Liptrap and Tarwin Meadows, east to the mouth of Merriman Creek; inland to near Mirboo; at Port Albert and Wilsons Promontory.



Brayakaulung people around the current site of Sale. From Providence Ponds, Avon and Latrobe rivers west of Lake Wellington to Mounts Baw Baw and Howitt.



Brabralung people are from Central Gippsland. From Mitchell, Nicholson, and Tambo rivers; south to about Bairnsdale and Bruthen.



Tatungalung people near Lakes Entrance on the coast. Along the Ninety Mile Beach and about Lakes Victoria and Wellington from Lakes Entrance southwest to mouth of Merriman Creek, also on Raymond Island in Lake King.



Krauatungalung people near the Snowy River. From Cape Everard (Point Hicks) to Lakes Entrance; on Cann, Brodribb, Buchan, and Snowy rivers; inland to about Black Mountain.

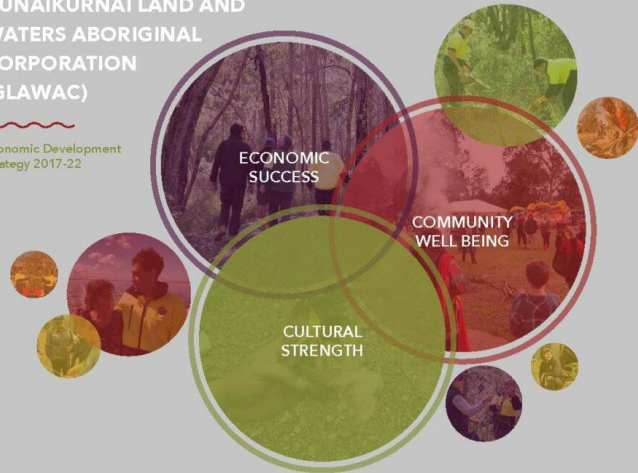
NOTE: These are the official shields and spelling of the clans as endorsed by the GLaWAC Elders' Council. GLaWAC recognises the strong cultural input of Uncle Jock Hood and other Elders in drawings currently used to represent the 5 clans of the Gunaikurnai



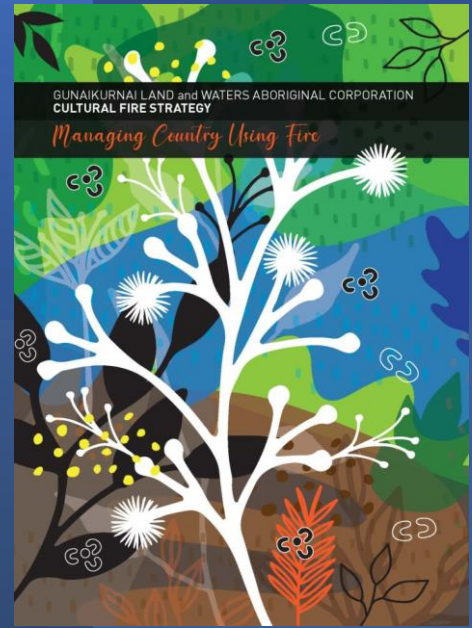
Gunaikurnai
Whole-of-Country Plan

**GUNAIKURNAI LAND AND
WATERS ABORIGINAL
CORPORATION
(GLAWAC)**

Economic Development
Strategy 2017-22

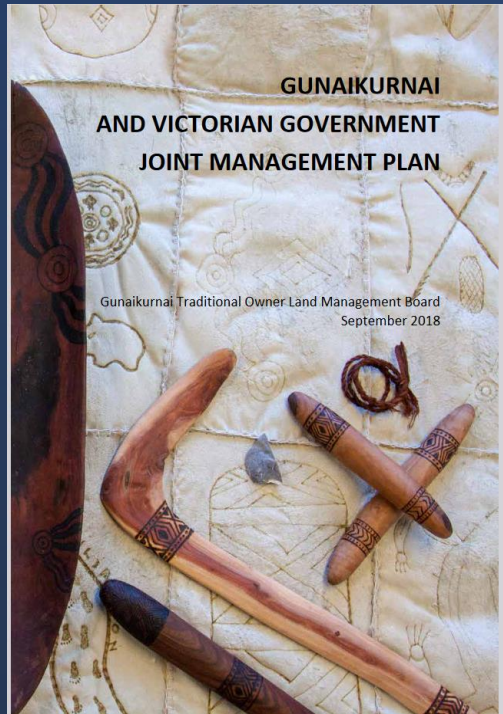


**VICTORIAN TRADITIONAL OWNER
NATIVE FOOD AND BOTANICALS STRATEGY**



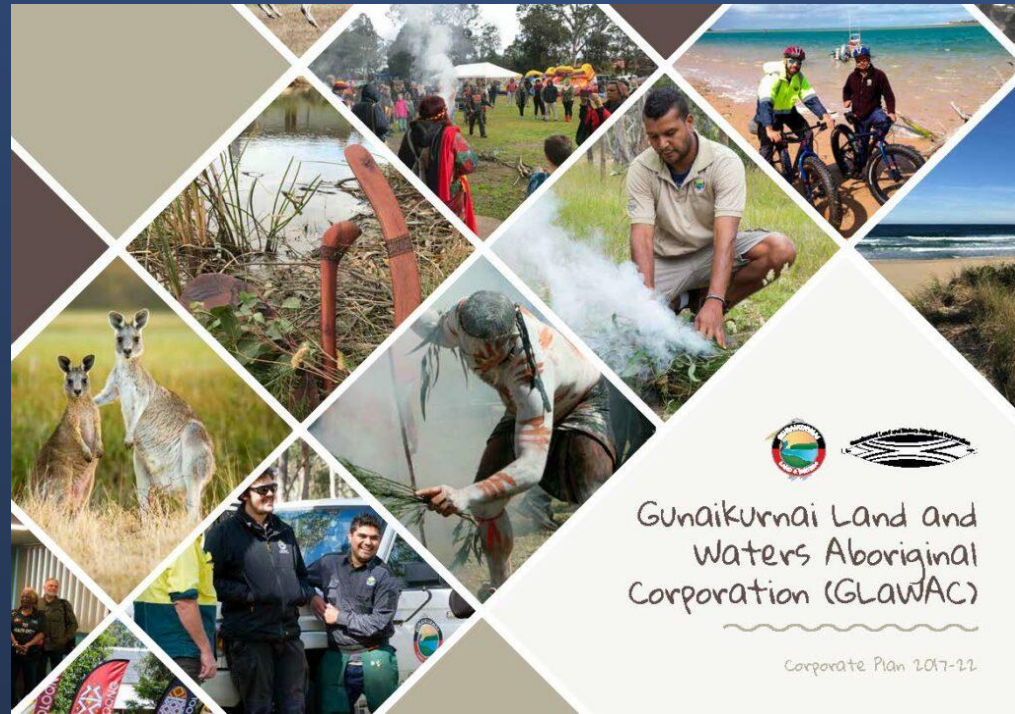
**GUNAIKURNAI LAND and WATERS ABORIGINAL CORPORATION
CULTURAL FIRE STRATEGY**

Managing Country Using Fire



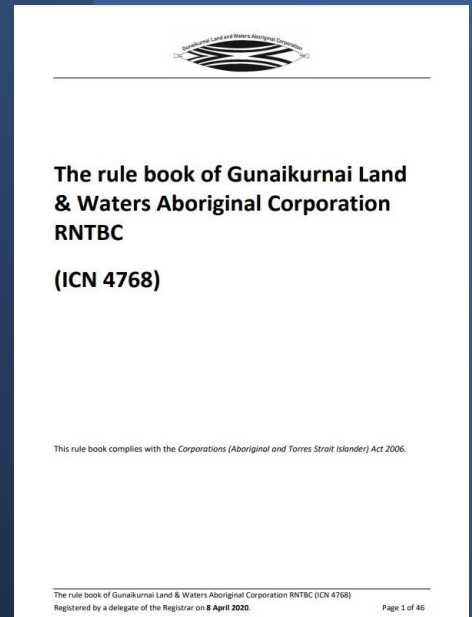
**GUNAIKURNAI
AND VICTORIAN GOVERNMENT
JOINT MANAGEMENT PLAN**

Gunaikurnai Traditional Owner Land Management Board
September 2018



**Gunaikurnai Land and
Waters Aboriginal
Corporation (GLAWAC)**

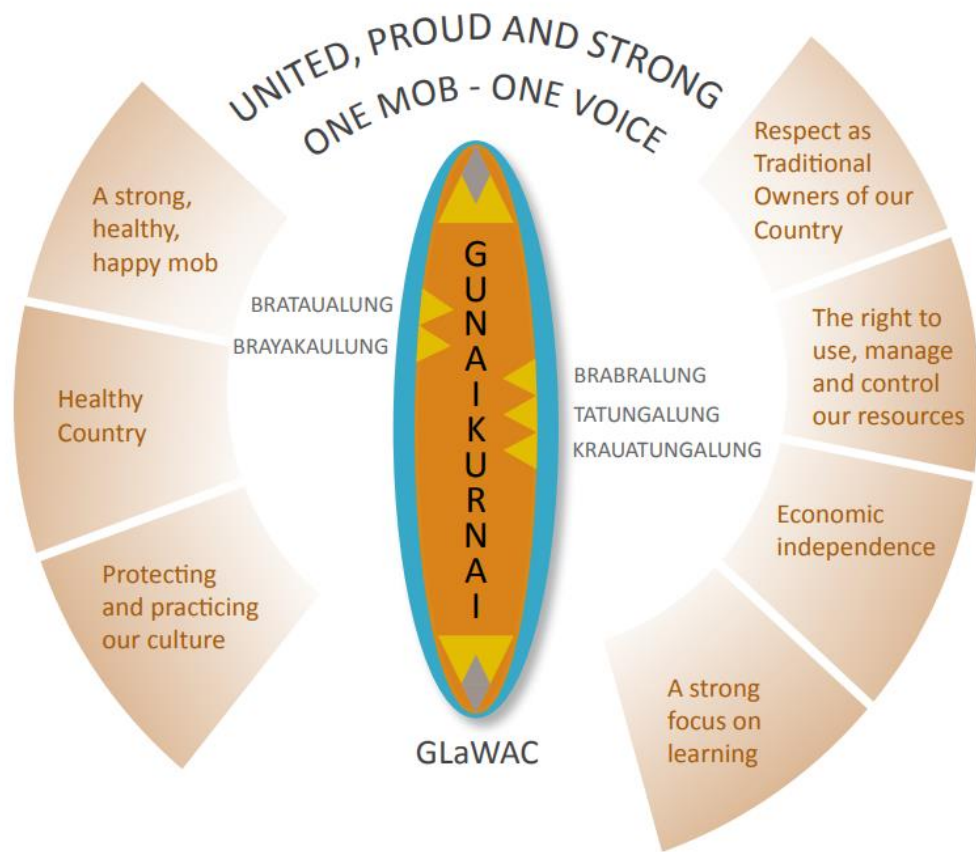
Corporate Plan 2017-22



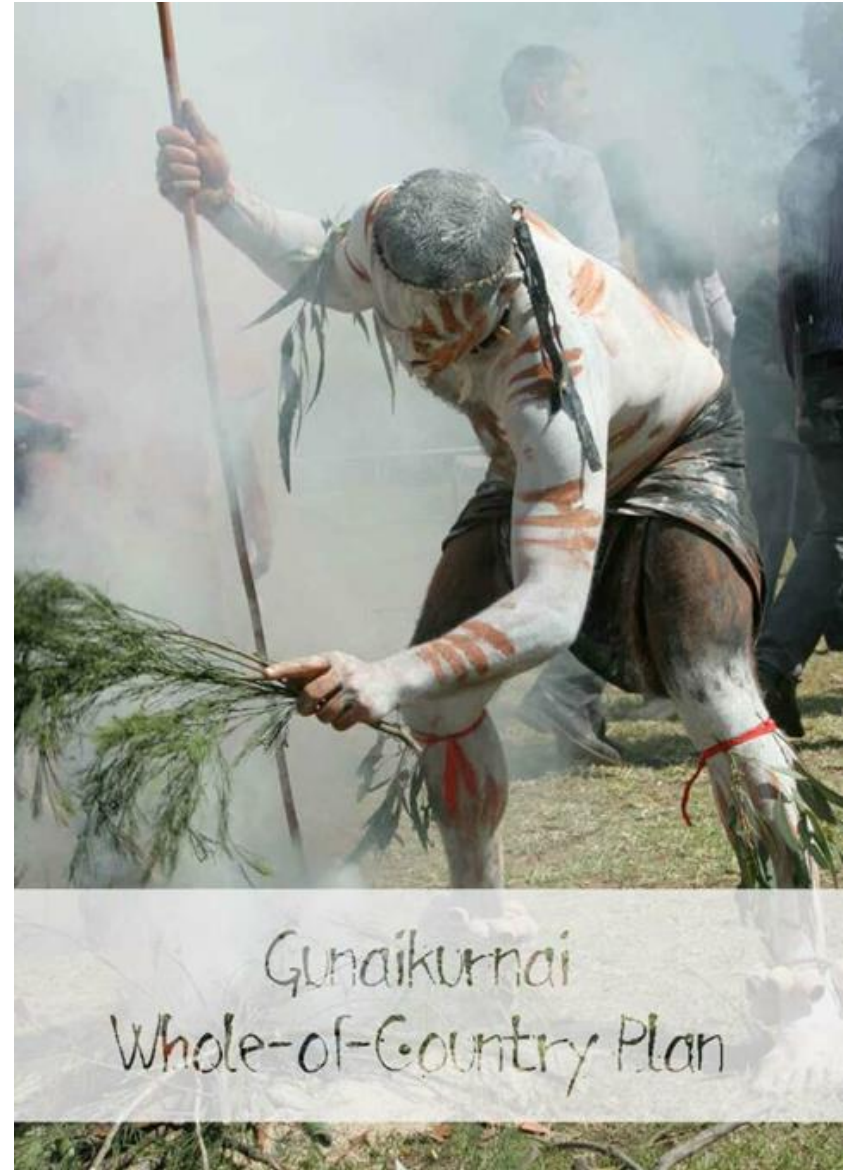
**The rule book of Gunaikurnai Land
& Waters Aboriginal Corporation
RNTBC**

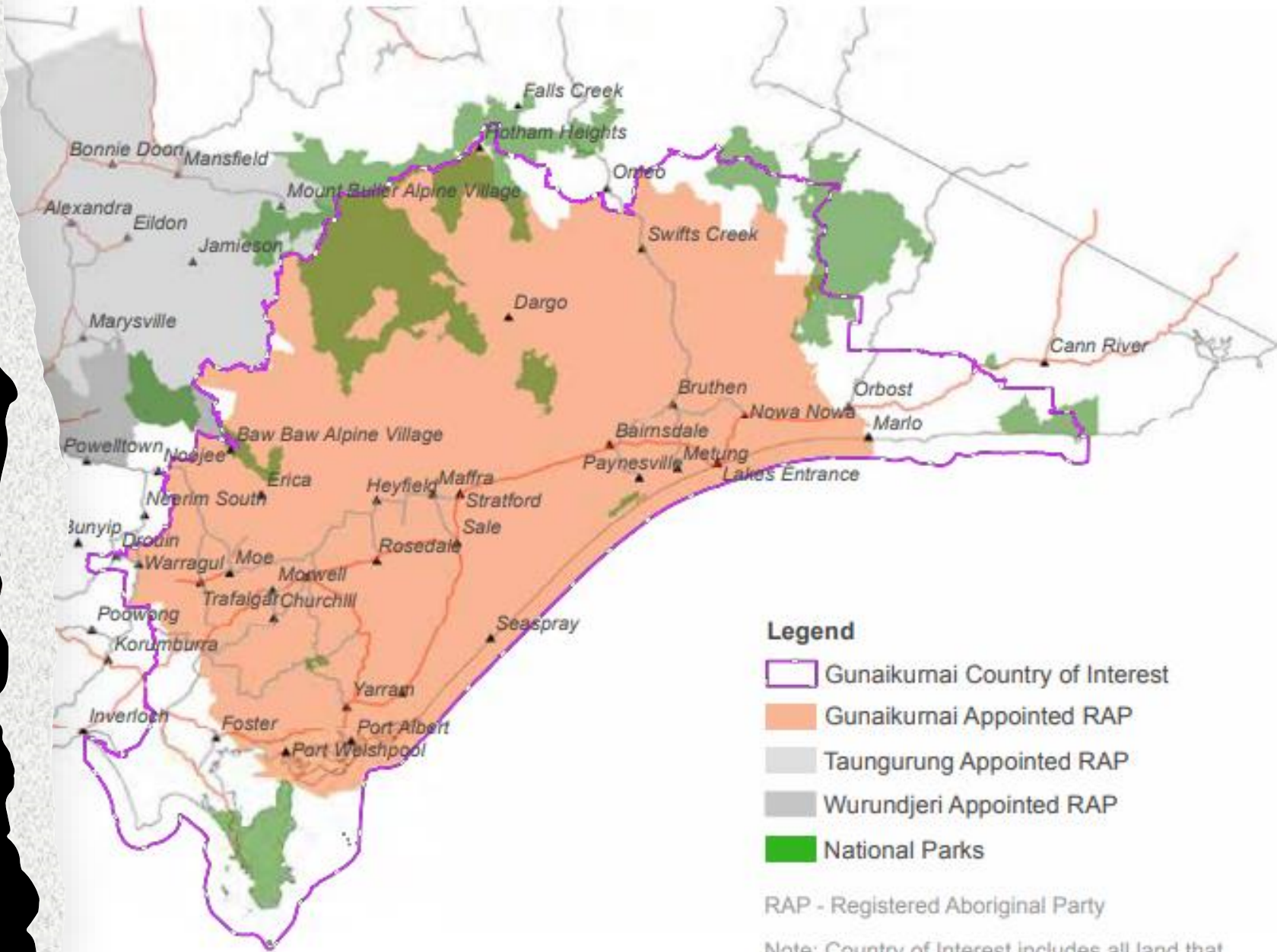
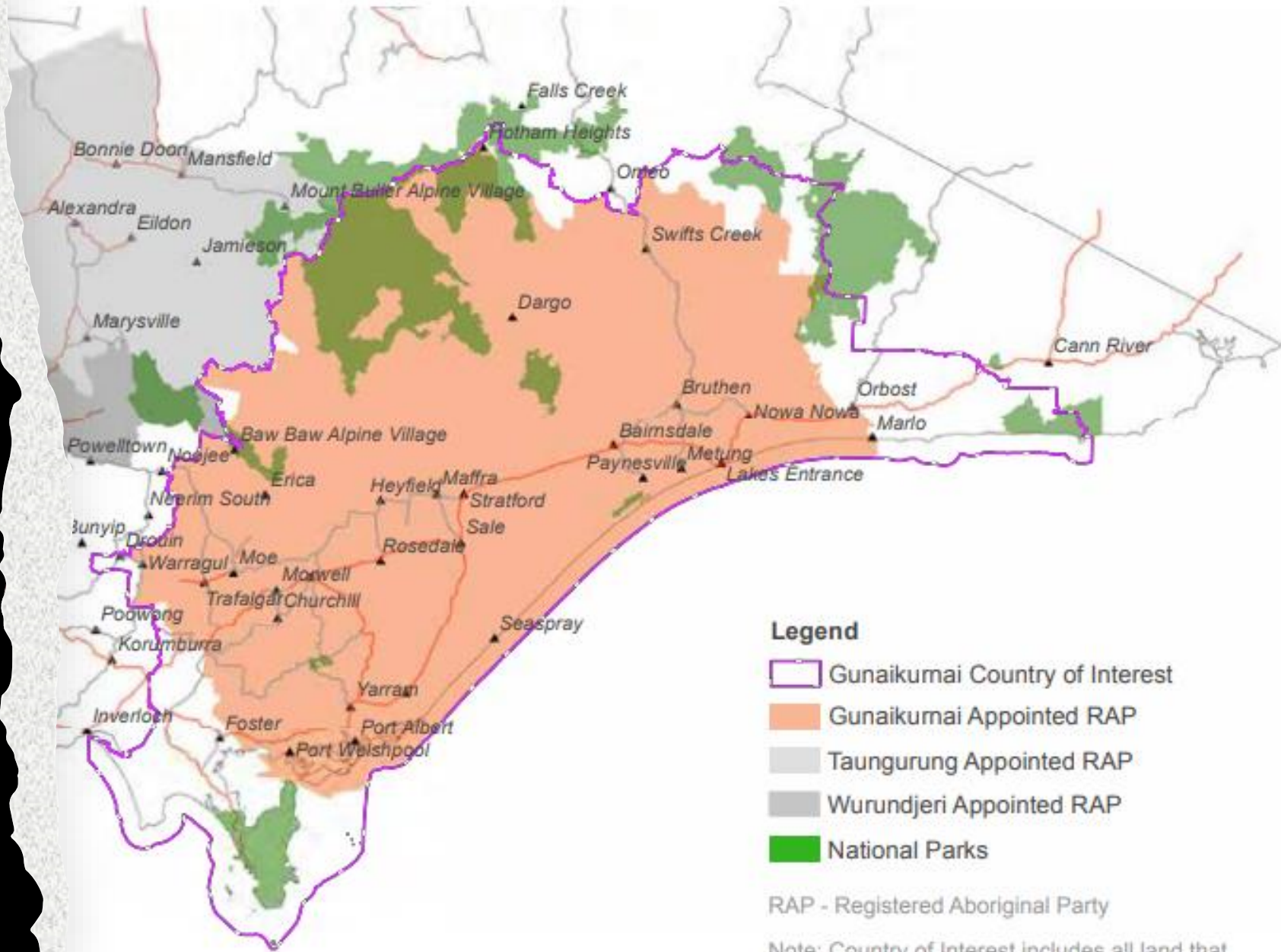
(ICN 4768)

This rule book complies with the Corporations (Aboriginal and Torres Strait Islander) Act 2006.



Vision diagram by Aunty Eva May





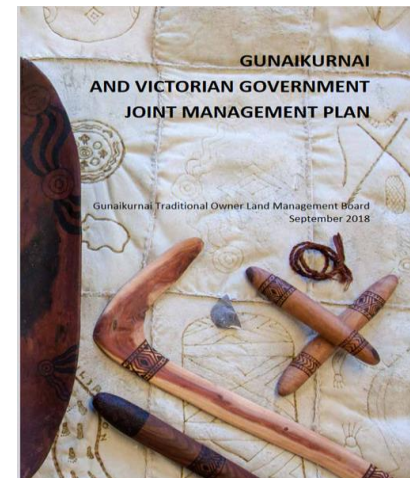
Joint Management (JM)

The Cultural Estate



What is Joint Management?

Joint management is the establishment of a legal partnership between the State and Traditional Owners in the management of public land. Joint Management enables the knowledge and culture of a Traditional Owner group to be recognised and embedded in the management of that land.



What is Native Title?

On 22 October 2010, the Federal Court recognised that the Gunaikurnai people hold native title over much of Gippsland. Native title is the recognition in Australian law that some Indigenous people continue to hold rights to their lands and waters that come from their traditional laws and customs.

Native Title:

- is administered through the Commonwealth Native Title Act 1993.
- is not granted by governments but recognized through a determination made by the Federal Court.
- will vary for each group because it comes from traditional laws and customs of the group.
- exists alongside and is subject to, the rights of other people in the same area.
- can be extinguished because of things the government has done, or allowed others to do, over a particular area that are inconsistent with native title. Source: <https://gunaikurnai.org/our-community/know-your-rights/native-title/>

How do you get Native Title?

- The Court does not 'give' native title, rather it recognises that it still exists.

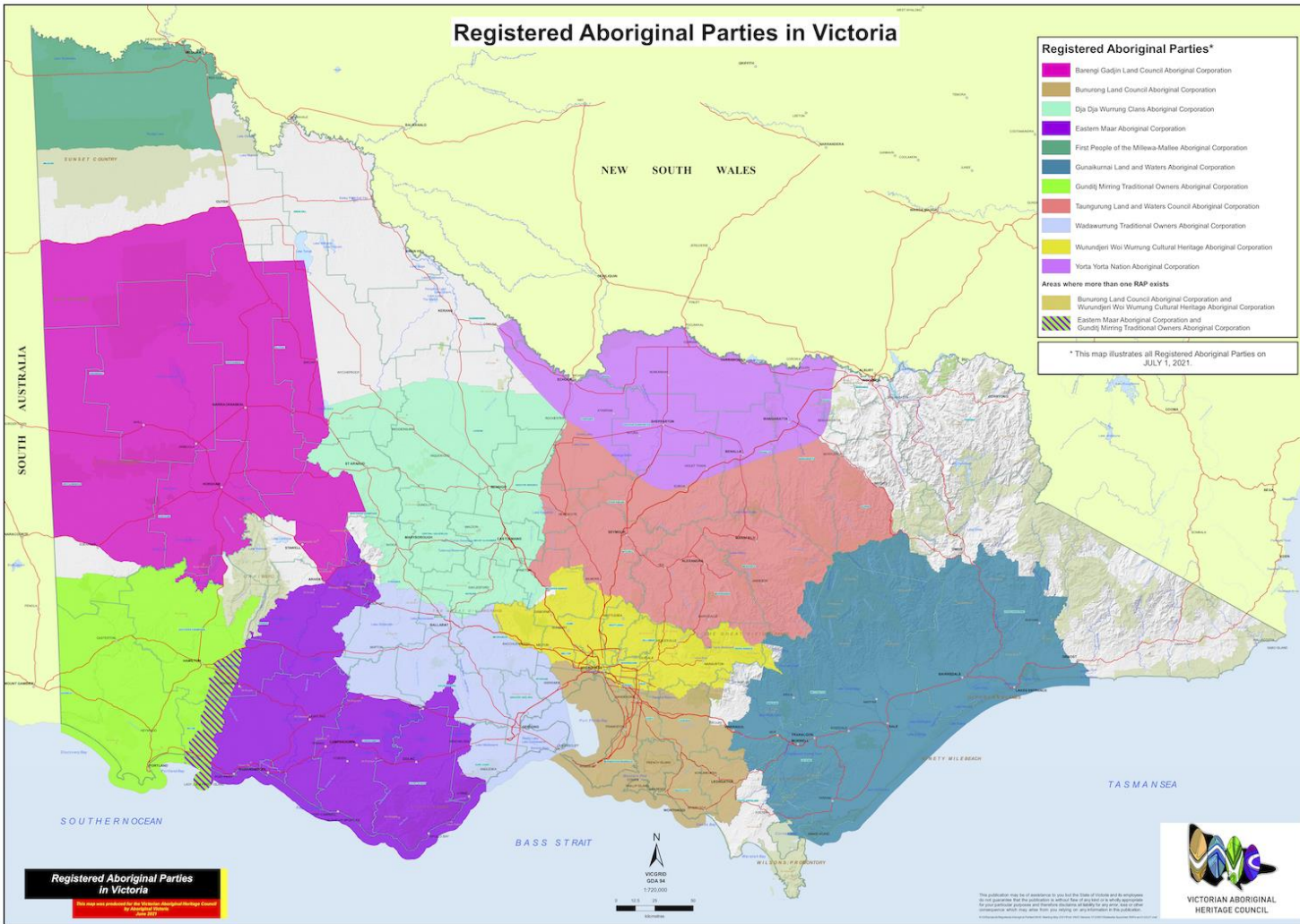
You have to prove:

- that you possess rights and interests to the land under traditional laws and customs.
- that those laws and customs are currently acknowledged and observed, in a continuous connection going back to pre-colonisation.
- Native Title has not been extinguished.

What does recognition of Native Title give you?

- Native Title does not give you ownership, but provides the right to camp, hunt, fish, gather food, and teach law and custom; and the right to negotiate with anyone seeking to carry out activities that might affect your rights.

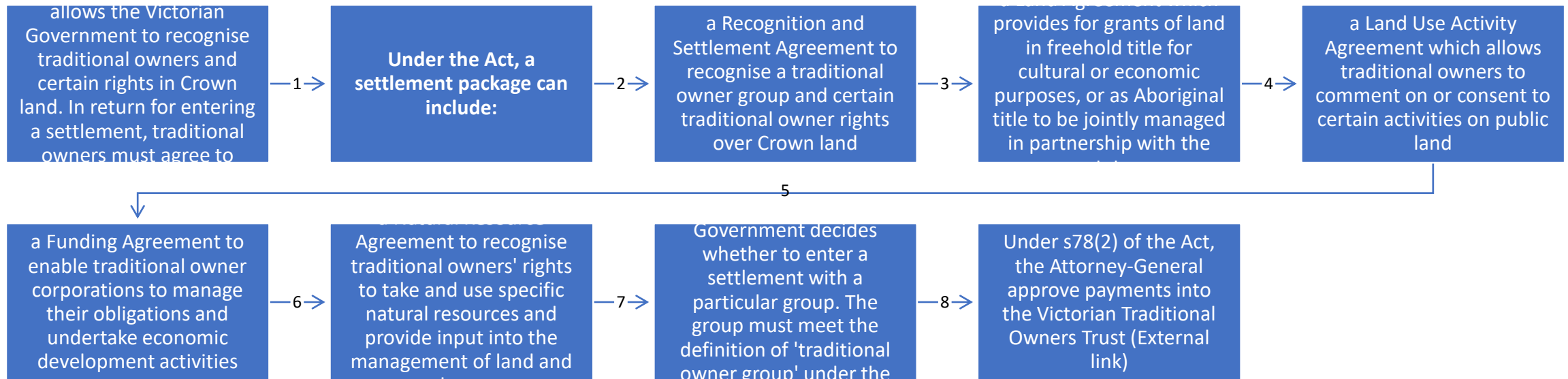




What is a Registered Aboriginal Party (RAP)?

A Registered Aboriginal Party is a recognised representative body of an Aboriginal Australian people per the Aboriginal Heritage Act 2006, whose function is to protect and manage the Aboriginal cultural heritage in the state of Victoria in Australia.

What is Traditional Owner Settlement Act 2010



Are Your farms affected by Native Title?

Native title cannot take away anyone else's valid rights to land, including owning a home, holding a pastoral lease or having a mining licence. Australian law does not recognize native title over places where people have exclusive possession of the land, like privately owned freehold land

Source: <https://www.atns.net.au/native-title-act>

Native title and freehold

- Under the *Native Title Act 1993* (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as a 'previous exclusive possession act'.
- This means that native title has been extinguished over the area. Native title claimants are not allowed to include land and waters covered by previous exclusive possession acts in their applications; therefore, they would normally exclude freehold areas.

Source: <http://www.nntt.gov.au/>





GL&WAC - Innovation

- Bush Café
- Business Enterprise
- Renewable Energy Transition
- Oyster Trials
- Wangun Amphitheatre
- Gunya Yanakie Nanjet Brataualung
- Water Strategic Plan



Our Policies and what we inform and do

<https://gunaikurnai.org/our-community/policy-matters/>

<https://gunaikurnai.org/our-economy/nanjet/>



The Voice



What has led to this moment?

- 1988 – Bob Hawke promised a Treaty
- 1992 – Paul Keating Redfern Address – We need to acknowledge and there needs to be an act of recognition
- 1999 – Australian Republic Referendum
 - Two questions
 - Should Australia be a republic
 - Should there be a preamble acknowledging Indigenous ownership prior to European arrival
- 2017 – Uluru Statement of the Heart
- 2023 – First Nations Voice to Parliament Referendum

What is the Uluru Statement?

- A petition by Aboriginal and Torres Strait Islander leaders to change the Australian constitution to improve representation and recognition.
- A statement calling for the establishment of:
 - A First Nations Voice to parliament
 - A Makarrata Commission to engage in agreement-making and truth-telling about the past
- The Turnbull and Morrison governments rejected the Statement
- The Albanese government has asked the Australian public whether they support the establishment of the Voice and constitutional recognition
- Turnbull has since supported the question and process

What is being asked with the referendum?

- A proposed Law: to alter the Constitution to recognise First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.
- Constitutional amendment
 - In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:
 - i. there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;
 - ii. The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;
 - iii. the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.

What is the constitutional amendment?

- In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:
 - i. there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;
 - ii. The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;
 - iii. the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.

What does this all mean?

- There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice.
 - There will be an advisory body made up by Aboriginal and Torres Strait Islander people
 - There has always been advisory bodies
 - 1973 – 1977 National Aboriginal Consultative Committee (Whitlam government)
 - 1977 – 1985 National Aboriginal Conference (Fraser government)
 - 1989 – 2005 ATSIC (Hawke government)
 - 2005 – 2007 National Indigenous Council (Howard government)
 - 2009 – 2019 National Congress of Australia's First People (Rudd government – independent office)
 - 2013 – 2019 Prime Ministers Indigenous Advisory Council (Abbot government)
 - 2019 – now Coalition of Peaks

What does this all mean?

- The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;
 - Social policy reform
 - Health
 - Education
 - Housing
 - Justice
 - Economic Development

The government of the day can decide to whether accept the representations or not, just like now.

What does this all mean?

- The Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.
 - The government of the day can still change how the Voice works like it has always done
 - There can not be a lengthy break with a smooth transition required

What does this all mean?

- Improved outcomes for First Nations peoples in the areas of health and social services
- At the end of the day the ability to abolish advisory groups and not replace them is removed
- Not a great deal for non-Aboriginal and Torres Strait Islander peoples

How will it work?

- That is to be decided in the next steps:
 - Consultation with First Nations Peoples
 - Legislative processes as per usual
 - Parliamentary debate/discussion

We are being asked to vote on whether we agree with an idea like all other referendums.

Further information

- Australian Electoral Commission
 - [Referendum 2023 \(aec.gov.au\)](https://aec.gov.au)
- Monash University – Debunking myths and misconceptions
 - [Voice to Parliament: Debunking 10 myths and misconceptions – Monash Lens](#)
- RMIT University Fact Check
 - [Fact Check - ABC News](#)